

**BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING MINUTES – August 2, 2005**

MEMBERS PRESENT

Kenneth Charest
Bruce Bell
Walter Bowditch
Joseph Herlihy
James Murphy
Daniel Shipley

MEMBERS ABSENT

OTHERS PRESENT

Carol Leighton, Administrator
Andrew Black, A.A.G.
Kim Baker-Stetson, Licensing Clerk
Susan Greenlaw, Board Clerk

Location: Central Conference Room **Start:** 9:00 a.m. **Adjourn:** 1:35 p.m.

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

AGENDA MODIFICATIONS

A motion was made by Joseph Herlihy to add the following to the agenda; seconded by Walter Bowditch. Unanimous.

- Correspondence regarding complaint number REA-199

A motion was made by Walter Bowditch to add the following to the agenda; seconded by James Murphy. Unanimous.

- Letter from Paul C. Linehan

A motion was made by James Murphy to add the following to the agenda; seconded by Joseph Herlihy. Unanimous.

- Update on complaint numbers REA-225 and REA-226

OLD BUSINESS

Action on Minutes of July 12, 2005 Meeting

A motion was made by Walter Bowditch to approve the minutes of the July 12, 2005 meeting as written; seconded by James Murphy. Unanimous.

**BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING MINUTES – August 2, 2005**

Action on Tabled Applications/Items

NAME	APPLYING TO	ACTION
APPLICANT #1	UPGRADE FROM CERTIFIED RESIDENTIAL TO SIT FOR CERTIFIED GENERAL EXAM MIN 180 QE BAL MET? = 285 QE HOURS ON FILE MIN 30 MONTHS EXP MET? = FIRST LICENSED ON 09/16/1991 MIN 3000 HOURS WK EXP W/AT LEAST 1500 HRS CMML = +3000	<u>AUGUST 2, 2005</u> – TIME TO ACCEPT CONSENT AGREEMENT EXTENDED TO SEPTEMBER 2, 2005 <u>JULY 12, 2005</u> – COMPLAINT PRESENTED; CONSENT AGREEMENT TO BE OFFERED <u>JAN 4, 2005</u> – RESCHEDULED TO HEAR COMPLAINT AND DENIAL AT SAME TIME <u>NOV 2, 2004</u> – HEARING DATE SET FOR JAN 4, 2005 <u>OCT 13, 2004</u> – CERT LETTER REC'D AT AGENCY <u>OCT 8, 2004</u> – DENIAL LETTER SENT CERT MAIL <u>OCT 5, 2004</u> - MOTION TO DENY <u>SEP 7, 2004</u> – Tabled <u>AUG 20, 2004</u> – REC'D WORK FILES <u>AUG 3, 2004</u> - APPRAISALS DISTRIBUTED TO JIM FOR REVIEW AND REPORT BACK AT SEPTEMBER 7 TH MEETING <u>JULY 6, 2004</u> – LICENSEE REQUESTED THAT APPRAISALS BE SUBMITTED FOR AUGUST MEETING – APPLICATION Tabled <u>JUNE 30, 2004</u> – REQUESTED COPIES OF 5 APPRAISALS AND RELATIVE WORK FILES

NEW BUSINESS

Administrator's Report

The Board was asked to think about questions or issues to discuss with the representative from the Appraisal Foundation in preparation for the September 13 meeting.

Complaint Officer's Report

#REA-188: A motion was made by James Murphy to offer a modified Consent Agreement in which the licensee agrees to immediate revocation and to not reapply for licensure for a period of five years; seconded by Walter Bowditch. Bell, Bowditch, Charest, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING MINUTES – August 2, 2005**

#REA-208: A motion was made by Walter Bowditch to find grounds for violations as stated in the investigator's report; seconded by James Murphy. Bell, Bowditch, Charest, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

A motion was made by James Murphy to offer a Consent Agreement to include (1) Admission to violations; (2) \$2000 fine; (3) completion on or before 12/31/05 of minimum 30 hour qualifying education course with exam, not to be used for continuing education; (4) completion on or before 12/31/05 of minimum 15 hour USPAP course with exam, not to be used for continuing education; (5) license suspension for a period of one year to be held in abeyance if other sanctions are satisfied; (6) flag the licensee's file for non-renewal; seconded by Walter Bowditch. Bell, Bowditch, Charest, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#REA-209: A motion was made by Walter Bowditch to find grounds for violations as stated in the investigator's report; seconded by James Murphy. Bell, Bowditch, Charest, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

A motion was made by James Murphy to offer a Consent Agreement to include (1) Admission to violations; (2) \$3000 fine; (3) investigative costs; (4) completion on or before 12/31/05 of minimum 30 hour qualifying education course with exam, not to be used for continuing education; (5) completion on or before 12/31/05 of minimum 15 hour USPAP course with exam, not to be used for continuing education; (6) can not supervise trainees for a period of two years; seconded by Walter Bowditch. Bell, Bowditch, Charest, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#REA-219: A motion was made by Walter Bowditch to dismiss upon finding no violation of Board statute or rules; seconded by Daniel Shipley. Bell, Bowditch, Charest, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#REA-220: A motion was made by Walter Bowditch to dismiss upon finding no violation of Board statute or rules; seconded by Daniel Shipley. Bell, Bowditch, Charest, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#REA-199: Licensee inquired if USPAP as required by Consent Agreement may be completed on-line. A motion was made by Walter Bowditch to deny the request; seconded by James Murphy. Bell, Bowditch, Charest, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#REA-225/226: A motion was made by James Murphy to extend the offer to sign the Consent Agreement to September 2, 2005; seconded by Bruce Bell. Bell, Charest,

**BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING MINUTES – August 2, 2005**

Herlihy, Murphy, and Shipley voted in the affirmative; none opposed; Bowditch abstained. Motion carried.

Review and Action on Decision & Order – Robert F. Mersereau

A motion was made by Walter Bowditch to approve the Decision & Order as presented; seconded by James Murphy. Unanimous.

Review and Action on Applications and Education

No new applications for review.

An individual request for an on-line real estate appraiser qualifying education course provided by Allied Business Schools was submitted for approval. A motion was made by Walter Bowditch to deny the request; seconded by Joseph Herlihy. Unanimous.

Discussion – Distance Education

The issue of accepting distance education as qualifying education was discussed.

Correspondence

Letter from Paul C. Linehan: The Board may take the issues described in the letter into consideration during legislative and rule making discussions.

Next Meeting Scheduled for September 6, 2005

OTHER BUSINESS

A motion was made by Walter Bowditch to authorize out of state travel for Joseph Herlihy to attend the AARO Fall Conference scheduled for October 8-11, 2005 in Washington, DC; seconded by Bruce Bell. Unanimous.

ADJOURN

Being no further board business the meeting was adjourned at 1:35 p.m.

Respectfully submitted,

Susan Greenlaw
Board Clerk